Application No. 09/748,250 Attorney Docket No. 2590-0181P

ocket No. 2590-0181P Art Unit: 2174

Page 8 of 12

REMARKS

Applicants thank the Examiner for the very thorough consideration given

the present application.

Claims 1-14 are now present in this application. Claims 1 and 9 are

independent. Claims 1 and 9 have been amended. Reconsideration of this

application, as amended, is respectfully requested.

35 U.S.C. § 102(e) Rejection

Claims 1-5, 8-9 and 11-14 have been rejected under 35 U.S.C. § 102(e)

as being anticipated by Humpleman et al. (U.S. Patent No. 6,182,094). This

rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but

merely to advance prosecution of the instant application, Applicants respectfully

submit that independent claim 1 has been amended to recite a combination of

steps in a method of a menu-based remote control of external devices, including

(c) receiving the second menu image from the selected external device and

displaying the second menu image on said display device in place of the first

menu image previously displayed on said display device, and displaying the

result of said operation on said display device in place of any image previously

displayed. Applicants respectfully submit that this combination of elements as

 \subset

Application No. 09/748,250

Attorney Docket No. 2590-0181P

Art Unit: 2174 Page 9 of 12

set forth in independent claim 1 is not disclosed or made obvious by the prior art

of record, including Humpleman.

A key operation of Humpleman is to display available devices on a first

display, determine their capabilities, and then link compatible devices together in

order to initiate communications therebetween. The first display device is needed

to manage the operations of the network of Humpleman (see Humpleman,

Col.15, line 56 - Col.16, line 12). For example, the first display device may be

used to link a DVD player to a second display device (DTV) on the network.

Examples of the first display device are 402 in Fig. 5A, 502 in Fig. 6, 606 in Fig.

7, 702 in Figs. 8 and 10, 902 in Fig. 11, etc. The first display device is referred to

in Humpleman as a device link page (402,502) or for example, a session page

(702, 902), session manager (1002), etc.

Regardless of the designation, the first display device must display multiply

menus (home pages) of several devices simultaneously in order to assess

compatibility and then to initiate communications therebetween. If the first

display device were used to display, for example, a video image of a DVD player in

place of the home pages, then a user would lose control of the operation.

Therefore, in Humpleman, a displayed menu image cannot be replaced with a

second menu image or a video image without defeating the purpose of the

Humpleman patent. It follows that displaying the second menu image on said

display device in place of the first menu image previously displayed on said

Application No. 09/748,250

Attorney Docket No. 2590-0181P

Art Unit: 2174

Page 10 of 12

display device, and displaying the result of said operation on said display

device in place of any image previously displayed is neither taught nor

suggested by Humpleman.

Independent claim 9 has been similarly amended to recite a combination

of steps in a method of menu-based remote control of external devices,

including displaying the second menu image on said display device to replace

the first menu image previously displayed on said display device, and displaying

the result of said operation on said display device to replace any image

previously displayed.

The same reasons presented with respect to the patentability of

independent claim 1 apply to independent claim 9. For these reasons, as set

forth above, Humpleman fails to teach the combinations recited in claims 1

and 9, as amended. Accordingly, the invention as recited in independent claims

1 and 9 and their dependent claims (due to their dependency) is patentable

over Humpleman et al., and the rejection should be withdrawn.

35 U.S.C. § 103 Rejection

Claims 6-7 and 10 have been rejected under 35 U.S.C. § 103(a) as being

unpatentable over Humpleman et al. in view of Kim (U.S. Patent No.

6,133,911). This rejection is respectfully traversed.

Application No. 09/748,250

Attorney Docket No. 2590-0181P

Art Unit: 2174 Page 11 of 12

As discussed above, Humpleman et al. does not teach or suggest at least

the above-noted features recited in independent claims 1 and 9 from which

claims 6-7 and 10 depend. Kim also does not overcome this deficiency of

Humpleman et al.

Therefore, even if the references are combinable, assuming arguendo, the

combination of references does not teach or suggest the invention as recited in

claims 1 and 9 (as amended) and claims 6-7 and 10. Accordingly,

reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

For the foregoing reasons and in view of the above clarifying

amendments, Applicants respectfully request the Examiner to reconsider and

withdraw all of the objections and rejections of record, and earnestly solicit an

early issuance of a Notice of Allowance.

Since the above amendment to claim 9 correct a minor informality, entry

of the present Amendment is deemed proper and requested.

Should there be any outstanding matters which need to be resolved in

the present application, the Examiner is respectfully requested to contact

Esther H. Chong (Registration No. 40,953) at the telephone number of the

undersigned below, to conduct an interview in an effort to expedite prosecution

in connection with the present application.

Application No. 09/748,250 Attorney Docket No. 2590-0181P

> Art Unit: 2174 Page 12 of 12

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Bv

ames T. Eller, Jr., #39,538

O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

JTE/PLS:jls JTE/EHC:lmh